

Greene, Brenda (DCA)

#14317

From: 6722-34229729@requests.muckrock.com
Sent: Thursday, September 12, 2013 6:22 PM
To: dcafoil (DCA)
Subject: Freedom of Information Request: DMCA policy and takedown notices (NYC)

September 12, 2013
NYC Department of Consumer Affairs
NYC Department of Consumer Affairs
42 Broadway, 9th floor
New York, NY 10004

To Whom It May Concern:

Pursuant to the New York State Freedom of Information Law (1977 N.Y. Laws ch. 933), I hereby request the following records:

- a) A copy of the City of New York's DMCA policy;
- b) Any takedown notices received by David Berman, Intellectual Property and Contracts Counsel from December 1998 to the day this request is processed

I also request that, if appropriate, fees be waived as I believe this request is in the public interest. The requested documents will be made available to the general public free of charge as part of the public information service at MuckRock.com, processed by a representative of the news media/press and is made in the process of news gathering and not for commercial usage.

In the event that fees cannot be waived, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 5 business days, as the statute requires.

Sincerely,

Shawn Musgrave

Filed via MuckRock.com
E-mail (Preferred): 6722-34229729@requests.muckrock.com

For mailed responses, please address (see note):
MuckRock News
DEPT MR 6722
PO Box 55819
Boston, MA 02205-5819

PLEASE NOTE the new address as well as the fact that improperly addressed (i.e., with the requester's name rather than MuckRock News) requests might be returned by the USPS as undeliverable.

IV. INTELLECTUAL PROPERTY

A. Service marks and trademarks contained in or displayed on NYC.gov, and the contents of linked sites operated by third parties, are the property of their respective owners (which may be the City). All other design, information, text, graphics, images, pages, interfaces, links, software, and other items and materials contained in or displayed on NYC.gov, and the selection and arrangements thereof, are the property of the City of New York. All rights are reserved.

B. The City respects the intellectual property of others and it asks its users to do the same. If you believe that your work has been copied in a way that constitutes copyright infringement via its display on, or other use by, NYC.gov, you may submit a notice pursuant to the Digital Millennium Copyright Act ("DMCA") by providing the City's Copyright Agent with the following information in writing:

1. a physical or electronic signature of a person authorized to act on behalf of the owner of an exclusive right that is allegedly infringed;
2. identification of the copyrighted work claimed to have been infringed, or, if multiple copyrighted works are covered by a single notification, a representative list of such works;
3. identification of the material that is claimed to be infringing or to be the subject of infringing activity and that is to be removed or access to which is to be disabled, and information reasonably sufficient to permit the City to locate the material;
4. information reasonably sufficient to permit the City to contact you, such as an address, telephone number, and, if available, an email address;
5. a statement that you (and, if applicable, the person or entity on whose behalf you are acting) have a good-faith belief that use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law; and
6. a statement that the information in the notification is accurate, and under penalty of perjury, that you are authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

C. The City's designated Copyright Agent under the DMCA for NYC.gov is David Berman, who can be reached as follows:

David Berman
Intellectual Property and Contracts Counsel
City of New York
Department of Information Technology and Telecommunications
255 Greenwich Street, 9th Floor
New York, NY 10007

By email: copyright@doitt.nyc.gov

D. You acknowledge that if you fail to comply with all of the above notice requirements, your DMCA notice may not be valid.

E. For clarity, only DMCA notices should go to the Copyright Agent. To request permission to use City intellectual property located on NYC.gov, please contact the relevant City Agency by visiting www.nyc.gov and clicking on the drop-down box in the top left corner. For any other questions about NYC.gov, please visit our [contact page](#).